



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Eric Lacefield
DIRECTOR
CORPORATIONS DIVISION

**NOTICE OF INTENT TO AMEND RULES OF THE CORPORATIONS DIVISION OF
THE OFFICE OF THE GEORGIA SECRETARY OF STATE, CHAPTER 590-7,
COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.06 *RETURNED DOCUMENTS.*
AMENDED., AND RULE 590-7-12-.05 *RETURNED DOCUMENTS.***

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Assistant Corporation Commissioner of the Office of the Georgia Secretary of State, (hereinafter "Commissioner") proposes amendments to Commissioner of Corporations, Rule 590-7-3-.06 *Returned Documents. Amended.* and Rule 590-7-12-.05 *Returned Documents. Amended.* (hereinafter "proposed rule amendments").

The Commissioner will consider the adoption of these proposed rule amendments at 9:00 a.m. on January 18, 2013 at the office of the Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334. The Commissioner has the authority to amend these rules pursuant to authority contained in O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103.

This notice, together with exact copies of the proposed rule amendments and a synopsis of the proposed rule amendments, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, the exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the Corporations Division's web page at <http://www.sos.ga.gov/corporations/>. Copies may also be requested by contacting the Corporations Division at 404-656-2817.

Interested persons may submit data, views, or arguments in writing to the Commissioner. Such written comments must be legible and signed, and should contain contact information for the maker (e.g. name, address, email address, fax number, etc.). The Commissioner must receive all comments regarding the proposed rule amendments no later than 5:00 p.m. on January 11, 2013. Written comments should be sent to Eric Lacefield, Assistant Corporation Commissioner, Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334, or sent via facsimile to 404-657-6380. Please reference "Proposed amendment to Rules 590-7-3-.06 and 590-7-12-.05" on all comments.

On December 18, 2012, the Commissioner determined that the formulation and adoption of these proposed rule amendments does not impose excessive regulatory cost on any registrant and any cost to comply with the proposed rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103.

On December 18, 2012, the Commissioner determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A),(B),(C) and (D). The formulation and adoption of these rules will impact every registrant in the same manner.

For further information, contact the Division office at 404-656-2817.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 18th day of December, 2012.

A handwritten signature in black ink, appearing to read "Eric Lacefield", written over a horizontal line.

Eric Lacefield
Assistant Corporation Commissioner

Posted: December 18, 2012

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.06 *RETURNED DOCUMENTS. AMENDED.*

Purpose: The purpose of the amendment is provide for a more efficient and consistent process regarding returned documents.

Main Features: The amendment modifies subsection (3) to allow for a more efficient and economical means of deeming filings abandoned, and provides consistency in the treatment of returned documents.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.06 *RETURNED DOCUMENTS. AMENDED.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-3-.06 Returned Documents. Amended.

(1) **Documents must be complete.** The Commissioner may return any documents that are not complete and appropriate for filing as prescribed by the Code and the rules promulgated thereunder. The returned documents will be accompanied by a Deficient Document Notice explaining the deficiency and an acknowledgement of receipt by the Secretary of State of the filing fee.

(2) **Filing date.** The documents may be corrected by the applicant and returned to the Commissioner for processing. The applicant must attach to the corrected and returned documents the Deficient Document Notice issued by the Commissioner. If the documents are returned to the Commissioner by the applicant within thirty (30) days of the date of the Deficient Document Notice, the filing date will be the date the filing was initially received by the Commissioner.

(3) **Abandoned filings.** If the filing is not returned to and received by the Commissioner within sixty days (60) of initial receipt, ~~a notice of proposed abandonment may be mailed to the person who initially made the filing. If the Commissioner or his staff is not contacted within fifteen (15) days after the date of notice of abandonment, the filing may~~ will be deemed abandoned. After an ~~order of abandonment is issued~~ a filing is deemed abandoned, a new filing, including the payment of filing fees, will be required.

Authority O.C.G.A. Secs. 14-2-130, 14-3-130, 14-5-23.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.05 *RETURNED DOCUMENTS. AMENDED.*

Purpose: The purpose of the amendment is to clarify and provide consistency in the treatment of returned documents, including abandoned filings.

Main Features: The amendment provides further clarification regarding abandoned filings.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.05 *RETURNED DOCUMENTS. AMENDED.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-12-.05 Returned Documents. Amended.

(1) **Documents must be complete.** The Secretary of State may return any documents that are not complete and appropriate for filing as prescribed by the Code and the rules promulgated thereunder. The returned documents will be accompanied by a Deficient Document Notice explaining the deficiency and an acknowledgement of receipt by the Secretary of State of the filing fee.

(2) **Filing date.** The documents may be corrected by the applicant and returned to the Secretary of State for processing. The applicant must attach to the corrected and returned documents the Deficient Document Notice issued by the Secretary of State. If the documents are returned to the Secretary of State by the applicant within thirty (30) days of the date of the Deficient Document Notice, the filing date will be the date the filing was initially received by the Secretary of State.

(3) **Abandoned filings.** If the filing is not returned to and received by the Secretary of State within sixty (60) days of initial receipt, ~~it~~ the filing will be deemed abandoned, ~~and all records pertaining to the filing will be destroyed by the Secretary of State.~~ After a filing is deemed abandoned, a new filing, including the payment of filing fees to the Secretary of State, will be required ~~to complete the filing.~~

Authority O.C.G.A. Secs. 14-5-23, 14-9-1102, 14-9-1103.